

Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 10/754,322

Filing or 371(c) Date:	01-09-2004	Overlapping Days Between {A and B} or {A and C}:	170
Issue Date of Patent:	08-03-2010	Non-Overlapping USPTO Delays:	1349
A Delays:	1093	PTO Manual Adjustments:	0
B Delays:	426	Applicant Delays:	35
C Delays:	0	Total PTA Adjustments:	1314

Patent Term Adjustment History**Explanation Of Calculations**

Number	Date	Contents Description	PTO(Days)	APPL (Days)	Start
64.5	03-10-2008	PTA 36 Months	426		0
64	08-03-2010	Patent Issue Date Used in PTA Calculation			0
63	06-24-2010	Export to Final Data Capture			0
62	06-23-2010	Dispatch to FDC			0
61	06-23-2010	Application Is Considered Ready for Issue			0
60	06-21-2010	Issue Fee Payment Verified		2	50
59	06-21-2010	Issue Fee Payment Received			0
58	05-20-2010	Finished Initial Data Capture			0
57	05-12-2010	TC Return to Pubs			0
56	05-13-2010	Workflow - Query Request - Finish			0
55	05-12-2010	Mail Miscellaneous Communication to Applicant			0
54	05-10-2010	Miscellaneous Communication to Applicant - No Action Count			0
53	04-24-2010	Pubs Case Remand to TC			0
52	04-28-2010	Workflow - Query Request - Begin			0
51	03-22-2010	Export to Initial Data Capture			0
50	03-19-2010	Mail Notice of Allowance	252		37
49	03-15-2010	Issue Revision Completed			0
48	03-15-2010	Notice of Allowance Data Verification Completed			0
46	03-15-2010	Document Verification			0
45	03-15-2010	Notice of Allowability			0
40	04-15-2009	Mail Appeals conf. Proceed to BPAI			0
39	04-13-2009	Pre-Appeals Conference Decision - Proceed to BPAI			0
38	03-10-2009	Request for Pre-Appeal Conference Filed			0
37	03-10-2009	Notice of Appeal Filed		2	35
36	03-10-2009	Request for Extension of Time - Granted			0
35	12-08-2008	Mail Final Rejection (PTOL - 326)			0
34	12-08-2008	Final Rejection			0
33	09-23-2008	Date Forwarded to Examiner			0
32	08-28-2008	Response after Non-Final Action			0
31	05-28-2008	Mail Non-Final Rejection			0
30	05-27-2008	Non-Final Rejection			0
26	03-24-2008	Date Forwarded to Examiner			0
25	03-11-2008	Amendment Submitted/Entered with Filing of CPA/RCE			0
24	03-24-2008	Date Forwarded to Examiner			0
23	03-11-2008	Request for Continued Examination (RCE)			0
22	03-24-2008	Disposal for a RCE / CPA / R129			0
21	03-11-2008	Workflow - Request for RCE - Begin			0

20	12-11-2007	Mail Final Rejection (PTOL - 326)		0
19	12-08-2007	Final Rejection		0
18	11-05-2007	Date Forwarded to Examiner		0
17	10-29-2007	Response after Non-Final Action	31	14
16	10-29-2007	Request for Extension of Time - Granted		0
15	08-25-2007	Case Docketed to Examiner in GAU		0
14	06-28-2007	Mail Non-Final Rejection	841	-1
13	06-25-2007	Non-Final Rejection		0
12	04-17-2007	Case Docketed to Examiner in GAU		0
11	04-13-2007	Case Docketed to Examiner in GAU		0
10	02-27-2005	IFW TSS Processing by Tech Center Complete		0
9	02-27-2005	Case Docketed to Examiner in GAU		0
8	04-15-2004	Application Return from OIPE		0
7	04-15-2004	Application Return TO OIPE		0
6	04-14-2004	Application Dispatched from OIPE		0
5	04-15-2004	Application Is Now Complete		0
4	03-02-2004	Cleared by OIPE CSR		0
3	03-02-2004	CASE CLASSIFIED BY OIPE		0
2	01-24-2004	IFW Scan & PACR Auto Security Review		0
1	01-09-2004	Initial Exam Team nn		0

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PATENT TERM ADJUSTMENT SPREADSHEET

Ser. No. 10/754,322

Docket No. 15296US01

APPLICANT'S

USPTO

CALCULATION

CALCULATION

DATE	EVENT	PTO Delay	Appl. Delay	PTO Delay	Appl. Delay
Tuesday, August 03, 2010	Patent Issue Date Used in PTA Calculation				
Thursday, June 24, 2010	Export to Final Data Capture				
Wednesday, June 23, 2010	Dispatch to FDC				
Wednesday, June 23, 2010	Application Is Considered Ready for Issue				
Monday, June 21, 2010	Issue Fee Payment Verified		2		0.00
Monday, June 21, 2010	Issue Fee Payment Received				
Saturday, June 19, 2010	Three months after Notice of Allowance				
Thursday, May 20, 2010	Finished Initial Data Capture				
Thursday, May 13, 2010	Workflow - Query Request - Finish				
Wednesday, May 12, 2010	TC Return to Pubs				
Wednesday, May 12, 2010	Mail Miscellaneous Communication to Applicant				
Monday, May 10, 2010	Miscellaneous Communication to Applicant - No Action Count				

Thursday, August 28, 2008	Response after Non-Final Action			
Wednesday, May 28, 2008	Mail Non-Final Rejection			
Tuesday, May 27, 2008	Non-Final Rejection			
Monday, March 24, 2008	Date Forwarded to Examiner			
Monday, March 24, 2008	Date Forwarded to Examiner			
Monday, March 24, 2008	Disposal for a RCE / CPA / R129			
Tuesday, March 11, 2008	Amendment Submitted/Entered with Filing of CPA/RCE			
Tuesday, March 11, 2008	Request for Continued Examination (RCE)			
Tuesday, March 11, 2008	Workflow - Request for RCE - Begin			427.00
Monday, March 10, 2008	PTA 36 Months	426		
Tuesday, December 11, 2007	Mail Final Rejection (PTOL - 326)			
Saturday, December 08, 2007	Final Rejection			
Monday, November 05, 2007	Date Forwarded to Examiner			
Monday, October 29, 2007	Response after Non-Final Action		31	31.00
Monday, October 29, 2007	Request for Extension of Time - Granted			
Friday, September 28, 2007	Three months after Office action			

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Attorney Docket No. 15296US01)

In the Application of:

Mallinath Hatti et al.

U.S. Patent: 7,769,198

Issue Date: August 3, 2010

Serial No.: 10/754,322

Filed: January 9, 2004

For: SYSTEM, METHOD, AND
APPARATUS FOR REPEATING LAST
LINE TO SCALAR

Examiner: Stephen Koziol

Group Art Unit: 2624

Confirmation No.: 7486

Transmitted via the Office electronic filing
system October 4, 2010.

**APPLICATION FOR RECONSIDERATION OF THE
PATENT TERM ADJUSTMENT UNDER 35 U.S.C. § 154(b)
INDICATED IN THE PATENT (37 CFR § 1.705(d))**

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

The applicant respectfully requests reconsideration of the patent term adjustment indicated on the cover page of the patent ("the patent PTA decision"), to the extent indicated in the following discussion and the enclosed modified version of the current USPTO Patent Term Adjustment calculation on PAIR ("The Spreadsheet"). The spreadsheet and the total PTAs indicated in this paper also reflect aspects of the current USPTO Patent Term Adjustment calculation on PAIR that have already been the subject of an earlier request for recalculation under 37 CFR § 1.705(b).

This application for reconsideration of the patent PTA decision is being filed within two months after the patent issue date.

This application for reconsideration of the patent PTA decision is accompanied by the fee set forth in § 1.18(e) (\$200).

This application for reconsideration of the patent PTA decision includes below a statement of the facts involved in sufficient detail to allow the United States Patent and Trademark Office (USPTO) to reach the correct patent term adjustment respecting the disputed items that arose after allowance.

The Applicant's calculation shows that the correct patent term adjustment, accounting for previously disputed and presently disputed items, should be 1317 days.

The bases under § 1.702 and 37 CFR § 1.705(d) for the adjustment are as follows.

Positive Patent Term Adjustment

Three Year Guarantee (35 USC § 154(b)(1)(B))

The USPTO calculation of the patent term adjustment under the three-year deadline for issuing a patent after its filing date was 426 days. The Applicant disagrees with this determination because the patent term adjustment on this ground should instead be 427 days, minus 0 days consumed by an appeal, for a net adjustment of 427 days.

Specifically, the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR shows that:

- the actual filing date of the application was January 9, 2004,
- the third anniversary of the actual filing date was January 9, 2007,
- the first request for continued examination of the application (RCE) under 35 USC 132(b) was filed on March 11, 2008.
- the first RCE was filed 427 days after the third anniversary of the actual filing date, which is the appropriate patent term adjustment on this ground.

Reductions in Patent Term Adjustment

Three Months to Pay Issue Fee (37 CFR § 1.704(b))

The applicant is contesting the following application(s) of 37 CFR § 1.704(b) to reduce the patent term adjustment in the present application.

- The Notice of Allowance was mailed on March 19, 2010,
- The date three months after the mailing date of the Notice of Allowance is Saturday, June 19, 2010,
- The issue fee was paid on Monday, June 21, 2010,
- The reduction in the patent term adjustment proposed by the USPTO is 2 days,
- The Applicant's position is that the present issue fee paid on the first business day after a deadline falling on a weekend or holiday is not late, establishing the correct reduction in patent term adjustment is 0 days. The basis for this position is 37 CFR § 1.6(a)(1), which states in relevant part, "The Patent and Trademark Office is not open for the filing of correspondence on any day that is a Saturday, Sunday, or Federal holiday within the District of Columbia," and 35 USC § 21(b), which states: "When the day, or the last day, for taking any action or paying any fee in the United States Patent and Trademark Office falls on Saturday, Sunday, or a Federal holiday within the District of Columbia, the action may be taken, or fee paid, on the next succeeding secular or business day." See also 37 CFR § 1.7(a). In this case, 37 CFR § 1.7(a) and 35 USC § 21(a) are applicable because the last day set by statute (35 USC § 154(b)(2)(C)(ii)) for taking the action of filing a response to an Office action without being "deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application," falls on a Saturday, Sunday, or on a Federal holiday within the District of Columbia.

Net Patent Term Adjustment

The changes requested by the Applicant to the USPTO patent term adjustment determination in the patent PTA decision are as follows:

Positive Patent Term Adjustment

- **Three Year Guarantee
(35 USC § 154(b)(1)(B))**

	Patent Term Adjustment (days)
USPTO Calculation	426
Applicant Calculation	427

Reductions in Patent Term Adjustment

- **Three Months to Pay Issue Fee (37 CFR § 1.704(b))**

	Patent Term Adjustment (days)
USPTO Calculation	2
Applicant Calculation	0

Conclusion

The Applicant requests modification of the patent term adjustment as indicated above. As shown in the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR, the patent term adjustment proposed by the Applicant is thus 1317 days.

Please charge any fees or credit any overpayment of fees presently required to McAndrews, Held & Malloy, Ltd., Deposit Account No. 13-0017.

Respectfully submitted,

McANDREWS, HELD & MALLOY, LTD.

Date: October 4, 2010

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